



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING December 15, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Finance Committee met at 12:00 noon. The Ordinance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: Roger L. Horton.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

PUBLIC COMMENT

Speakers: Ruth Wilson.

ITEM REMOVED FROM CONSENT CALENDAR

8. Subject: Decision And Findings Resolution For The Approval Of The 226 & 232 Eucalyptus Hill Drive Project (640.07)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Regarding the Appeal of the City Planning Commission's Approval of Two Additional Residences for 226 and 232 Eucalyptus Hill Drive Pursuant to the Authority of Santa Barbara Municipal Code Section 28.93.030(E) and the Approval of a Lot Line Adjustment Between the Two Adjacent Applicant Parcels.

(Cont'd)

8. (Cont'd)

Documents:

- December 15, 2009, report from the Community Development Director.
- Proposed Resolution.

The title of the resolution was read.

Motion:

Mayor Blum/Councilmember House to approve the recommendation;
Resolution No. 09-099.

Vote:

Unanimous roll call vote (Abstentions: Councilmembers Falcone,
Francisco; Absent: Councilmember Horton).

CONSENT CALENDAR (Item Nos. 1 – 7, 9 – 13, and 16 – 18)

The titles of ordinances and resolutions related to Consent Calendar items were read.

Motion:

Councilmembers Williams/Schneider to approve the Consent Calendar as
recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Horton).

1. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of
the adjourned regular meeting of October 12, and the regular meetings of
October 13, and November 10, 2009.

Action: Approved the recommendation.

2. Subject: Fiscal Year 2010 Interim Financial Statements For The Four Months
Ended October 31, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial
Statements for the Four Months Ended October 31, 2009.

Action: Approved the recommendation (December 15, 2009, report from the
Interim Finance Director).

3. Subject: November 2009 Investment Report (260.02)

Recommendation: That Council accept the November 2009 Investment Report.

Action: Approved the recommendation (December 15, 2009, report from the Interim Finance Director).

4. Subject: Adoption Of Ordinance For Tree Preservation And Landscape Plan Policy Recommendations (570.05)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapters 15.20 and 15.24 and Title 22 of the Santa Barbara Municipal Code Relating to the Preservation of Trees and the Maintenance of Approved Landscape Plans.

Speakers:

Members of the Public: Kellam de Forest.

Action: Approved the recommendation; Ordinance No. 5505.

5. Subject: Adoption Of Medical Marijuana Dispensary Suspension Ordinance (520.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Temporarily Suspending the Opening or Operation of New Medical Marijuana Dispensaries Otherwise Allowed Under Santa Barbara Municipal Code Chapter 28.80 on an Interim Basis.

Speakers:

- Members of the Public: Ross Payson, Patrick Fourmy.
- Staff: City Attorney Stephen Wiley.

Action: Approved the recommendation; Ordinance No. 5506.

6. Subject: Proclamation Guidelines Added To Conduct Of Council Meetings Resolution (120.02)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Concerning the Conduct of City Council Meetings Commencing January 12, 2010, and Rescinding Resolution No. 05-073.

Action: Approved the recommendation; Resolution No. 09-097 (December 15, 2009, report from the Assistant City Administrator; proposed resolution).

7. Subject: Update To Records Management Policies And Procedures Manual (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the City of Santa Barbara Records Management Policies and Procedures Manual, and Rescinding Resolution No. 07-066.

Action: Approved the recommendation; Resolution No. 09-098 (December 15, 2009, report from the Administrative Services Director; proposed resolution).

9. Subject: Professional Services Contract With URS Corporation For Design And Feasibility Analysis Of A MacKenzie Park Parking Lot Runoff Infiltration Project (540.14)

Recommendation: That Council:

- A. Authorize the Parks and Recreation Director to execute a City professional services agreement with URS Corporation in the amount of \$56,470 to perform a feasibility study and prepare final design plans and construction specifications for a MacKenzie Park Parking Lot Runoff Infiltration Project; and
- B. Authorize the Parks and Recreation Director to increase these services by 10 percent, or \$5,647, if necessary in order to cover any cost increases that may result from final design review and construction requirements.

Action: Approved the recommendations; Agreement No. 23,249 (December 15, 2009, report from the Parks and Recreation Director).

10. Subject: Contract For Water Conservation Technical Evaluation (540.05)

Recommendation: That Council authorize the Public Works Director to negotiate and execute a contract with Maddaus Water Management in a form approved by the City Attorney in the amount of \$66,880, for preparation of a water conservation technical evaluation of the City's Water Conservation Program as an element of the City's Long-Term Water Supply Program (LTWSP) update, and authorize the General Services Manager to approve expenditures of up to \$6,688 for extra services of Maddaus Water Management that may result from necessary changes in the scope of work.

Action: Approved the recommendation; Contract No. 23,250 (December 15, 2009, report from the Public Works Director).

11. Subject: Contract For Groundwater Modeling Program (540.10)

Recommendation: That Council:

- A. Approve a three-year cooperative water resources program between the City and the U.S. Geological Survey (USGS) to update and enhance groundwater models; evaluate the sustainable yield of the City's groundwater resources; and develop decision rules for use in managing supplies from groundwater; and
- B. Authorize the Public Works Director to execute annual Joint Funding Agreements with the USGS for Fiscal Years 2010, 2011, and 2012, to implement the three-year program, with the City's portion of the aggregate cost not to exceed \$376,925.

Action: Approved the recommendations; Agreement Nos. 23,251 - 23,253 (December 15, 2009, report from the Public Works Director).

12. Subject: Donation Of Firefighting Equipment To The Fire Department By The Santa Barbara Firefighters Alliance (330.05)

Recommendation: That Council accept the donation of rescue and safety equipment from the Santa Barbara Firefighters Alliance to the City of Santa Barbara Fire Department, valued at approximately \$30,000.

Speakers:

- Staff: Fire Battalion Chief Pat McElroy.
- Santa Barbara Firefighters Alliance: Dr. Bob Niehaus.

Action: Approved the recommendation (December 15, 2009, report from the Fire Chief).

13. Subject: Set A Date For Public Hearing Regarding Appeal Of Planning Commission Approval For 803 N. Milpas Street (640.07)

Recommendation: That Council:

- A. Set the date of January 26, 2010, at 2:00 p.m. for hearing the appeal filed by Rick Feldman of the Planning Commission approval of an application for property owned by 803 N. Milpas Street LLC and located at 803 N. Milpas Street, Assessor's Parcel No. 031-042-028, C-2 Commercial Zone, General Plan Designation: General Commerce. The project proposes a mixed used development consisting of five mixed use residential/commercial condominiums, one live/work unit, two residential units, and one commercial condominium. The discretionary applications required for the project are a Tentative Subdivision Map, a Modification, a Development Plan, and Design Review by the Architectural Board of Review; and

(Cont'd)

13. (Cont'd)

- B. Set the date of January 25, 2010, at 1:30 p.m. for a site visit to the property located at 803 N. Milpas Street.

Action: Approved the recommendations (November 15, 2009, letter of appeal).

Item Nos. 14 and 15 appear in the Redevelopment Agency minutes.

NOTICES

- 16. The City Clerk has on Thursday, December 10, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 17. The public hearing scheduled for December 15, 2009, at 2:00 p.m. to hear an appeal of the Single Family Design Board's approval for 803 Rametto Lane has been cancelled due to withdrawal of the appeal.
- 18. Cancellation of the regular City Council meetings of December 22, and December 29, 2009, and the regular City Council and Redevelopment Agency meetings of January 5, 2010.

This concluded the Consent Calendar.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee member Helene Schneider reported that the Committee met to review Interim Financial Statements for both the City and Redevelopment Agency for the four months ended October 31, 2009, as well as the November 2009 Investment Report; these documents were forwarded to and accepted by the Council and Agency as part of this Agenda's Consent Calendar (Item Nos. 2, 15, and 3, respectively). The Committee also heard a staff report on the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009; the full Council will hear this report as Agenda Item No. 21.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

- 19. Subject: Two-Year Review Of Neighborhood Preservation Ordinance (640.02)

Recommendation: That Council:

- A. Review and comment on the attached report, Two-Year Review of Neighborhood Preservation Ordinance/Single Family Design Guidelines Update (NPO Update);

(Cont'd)

19. (Cont'd)

- B. Initiate recommended changes with Staff to work with a subcommittee of the Single Family Design Board and the Ordinance Committee; and
- C. Direct Staff to return to Council with ordinance and guideline amendments for adoption.

Documents:

- December 15, 2009, report from the Community Development Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Project Planner Heather Baker, Senior Planner Jaime Limón.
- Single Family Design Board: Chair William Mahan.
- Members of the Public: Connie Hannah, Santa Barbara League of Women Voters; Joe Campanelli, Santa Barbara Contractors Association; Kellam de Forest.

Motion:

Councilmembers House/Schneider to approve recommendations B and C.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

FINANCE DEPARTMENT

20. Subject: Voter Survey Regarding Single-Use Bag Tax (630.01)

Recommendation: That Council consider the recommendation from the Solid Waste Committee to conduct a voter survey about a possible tax on single-use paper and plastic bags applicable to retail establishments over 30,000 square feet and the amount of tax that voters would be willing to pay.

Documents:

- December 15, 2009, report from the Interim Finance Director.
- PowerPoint presentation prepared and made by Staff.

Speakers:

- Staff: Environmental Services Supervisor Stephen MacIntosh, City Attorney Stephen Wiley, City Administrator James Armstrong.
- Members of the Public: Nikolai Lambert; Andrea Neal, Jean-Michel Cousteau's Ocean Futures Society; Penny Owens, Santa Barbara ChannelKeeper; Kathi King; Sandy Lejeune, Surfrider Foundation; Bonnie Raisin; John Dixon, Tri-County Produce; Kellam de Forest.

(Cont'd)

20. (Cont'd)

Motion:

Councilmembers House/Williams to approve the recommendation from the Solid Waste Committee to conduct the survey.

Vote:

Majority voice vote (Noes: Councilmember Francisco; Absent: Councilmember Horton).

RECESS

4:25 p.m. - 4:39 p.m. Councilmember Falcone was absent when the Council reconvened.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

FINANCE DEPARTMENT (CONT'D)

21. Subject: Comprehensive Annual Financial Report (CAFR) For The Fiscal Year Ended June 30, 2009 (250.02)

Recommendation: That Council:

- A. Receive a report from staff on the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009; and
- B. Accept the Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009.

Documents:

- December 15, 2009, report from the Interim Finance Director.
- Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2009.

Councilmember Falcone returned to the meeting at 4:59 p.m.

Speakers:

Staff: Interim Finance Director Robert Samario, Accounting Manager Rudolf Livingston, City Administrator James Armstrong.

Motion:

Councilmembers Schneider/Falcone to approve recommendation B.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

MAYOR AND COUNCIL REPORTS

22. Subject: Appointments To City Advisory Groups (140.05)

Recommendation: That Council make appointments to the City advisory groups.

Documents:

December 15, 2009, report from the Administrative Services Director.

Access Advisory Committee:

Motion:

Councilmembers Schneider/Falcone to appoint Ken McLellan.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Ken McLellan was appointed to the Disability Community category for a term expiring December 31, 2011.

Airport Commission:

Motion:

Councilmembers House/Schneider to appoint Chris Colbert and William Gilbert.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Chris Colbert and William Gilbert were appointed for terms expiring December 31, 2013.

Architectural Board of Review:

Nominees: Christopher Gilliland, Gary Mosel.

Vote:

- For Gilliland: Councilmember Falcone.
- For Mosel: Councilmembers Francisco, House, Schneider, Williams, Mayor Blum.

Appointment:

Gary Mosel was re-appointed to the Professional Qualifications category for a term expiring December 31, 2013.

(Cont'd)

22. (Cont'd)

Arts Advisory Committee:

Motion:

Councilmembers Schneider/Williams to appoint Roman Baratiak and re-appoint Phyllis De Picciotto and Suzanne Fairly-Green.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointments:

Roman Baratiak was appointed, and Phyllis De Picciotto and Suzanne Fairly-Green were re-appointed to the South Coast Area category for terms expiring December 31, 2013.

Civil Service Commission:

Motion:

Councilmembers Schneider/Williams to re-appoint Kathryn McKee.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Kathryn McKee was re-appointed for a term expiring December 31, 2013.

Community Development and Human Services Committee:

Motion:

Councilmembers House/Williams to re-appoint Laura Knight.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Laura Knight was re-appointed to the Business Community/Economic Development category for a term expiring December 31, 2013.

Creeks Advisory Committee:

Motion:

Councilmembers Falcone/House to appoint Kathleen Weber.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

(Cont'd)

22. (Cont'd)

Creeks Advisory Committee (Cont'd):

Appointment:

Kathleen Weber was appointed for a term expiring December 31, 2011.

Downtown Parking Committee:

Motion:

Councilmembers Schneider/House to re-appoint Randy Rowse.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Randy Rowse was re-appointed for a term expiring December 31, 2013.

Fire and Police Commission:

Nominees: Frank Banales, Jennifer Christensen, Robert Handy, Patrick Lennon, Bill Medel.

Vote:

- For Banales: Councilmembers Francisco, Williams.
- For Christensen: Councilmembers House, Schneider, Mayor Blum.
- For Handy: Councilmember Williams.
- For Lennon: Councilmembers Falcone, House, Schneider, Mayor Blum.
- For Medel: Councilmembers Falcone, Francisco.

Appointments:

Jennifer Christensen was appointed for a term expiring December 31, 2011, and Patrick Lennon was re-appointed for a term expiring December 31, 2013.

Franklin Center Advisory Committee:

Motion:

Councilmembers Schneider/Williams to re-appoint Sebastian Aldana and appoint Sharon Byrne.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

(Cont'd)

22. (Cont'd)

Franklin Center Advisory Committee (Cont'd):

Appointments:

Sebastian Aldana was re-appointed and Sharon Byrne was appointed to the Public at Large category for terms expiring December 31, 2013, and December 31, 2010, respectively.

Harbor Commission:

Motion:

Councilmembers Williams/Francisco to appoint Eric Friedman and Jim Sloan.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointments:

Eric Friedman and Jim Sloan were appointed for terms expiring December 31, 2013.

Historic Landmarks Commission:

Nominees: Louise Boucher, Tom Ochsner, Philip Suding, Justin Van Mullem.

Vote:

- For Boucher: Councilmembers Falcone, Francisco, Schneider, Williams.
- For Ochsner: Councilmember Schneider, Mayor Blum.
- For Suding: Councilmembers House, Williams, Mayor Blum.
- For Van Mullem: Councilmembers Falcone, Francisco, House.

Runoff Vote:

- For Suding: Councilmembers Falcone, House, Schneider, Williams, Mayor Blum.
- For Van Mullem: Councilmember Francisco.

Appointments:

Louise Boucher was re-appointed and Philip Suding was appointed for terms expiring December 31, 2013.

(Cont'd)

22. (Cont'd)

Housing Authority Commission:

Motion:

Councilmembers Schneider/Falcone to re-appoint Stanley Eisele.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Stanley Eisele was re-appointed to the Senior Tenant category for a term expiring February 15, 2012.

Living Wage Advisory Committee:

Motion:

Councilmembers House/Williams to appoint Gabe Dominocielo.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Gabe Dominocielo was appointed to the Business Owner/Manager category for a term expiring June 30, 2010.

Lower Westside Center Advisory Committee:

Motion:

Councilmembers Williams/Schneider to re-appoint Paul Contreras.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Paul Contreras was re-appointed to the Public at Large category for a term expiring December 31, 2013.

Measure P Committee:

Motion:

Councilmembers Schneider/Williams to appoint Gary Buffington.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointment:

Gary Buffington was appointed to the Medical Marijuana Patient category for a term expiring December 31, 2013.

(Cont'd)

22. (Cont'd)

Parks and Recreation Commission:

Motion:

Councilmembers Falcone/Schneider to appoint Chris Casebeer and Lesley Wiscomb.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointments:

Chris Casebeer and Lesley Wiscomb were appointed for terms expiring December 31, 2013.

Planning Commission:

Nominees: Michael Jordan, Deborah Schwartz, Addison Thompson.

Vote:

- For Jordan: Councilmembers Falcone, Francisco, House, Schneider, Williams, Mayor Blum.
- For Schwartz: Councilmembers Falcone, House, Williams, Mayor Blum.
- For Thompson: Councilmembers Francisco, Schneider.

Appointments:

Michael Jordan and Deborah Schwartz were appointed for terms expiring December 31, 2013.

Rental Housing Mediation Task Force:

Motion:

Councilmembers Williams/House to re-appoint Lynn Goebel and Daniel Herlinger.

Vote:

Unanimous voice vote (Absent: Councilmember Horton).

Appointments:

Lynn Goebel was re-appointed to the Tenant category, and Daniel Herlinger was re-appointed to the Homeowner category for terms expiring December 31, 2013.

ADJOURNMENT

Mayor Blum adjourned the meeting at 5:46 p.m. in memory of Merrill Hoffman, Ugo Melchiori, and Roger Heroux.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____	ATTEST: _____
MARTY BLUM	SUSAN TSCHECH, CMC
MAYOR	DEPUTY CITY CLERK